

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
July 7, 2009**

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Gene Langan, Winnie Lewis, Vicki Carmean, Buzz Henifin, Win Abbott and Pat Schuchman.

Absent: Audrey Serio, Todd Smallwood

Public Attendance: Ben Waide

Minutes:

- Gene Langan made a motion to approve the minutes of June 2, 2009 seconded by Winnie Lewis.

Codebook Updates:

- A review of Chapters 61 thru 95 of the Code was reviewed for consideration as follows:
 - Chapter 61 (Building & Utility Construction) – Recommended changes:
 - §61-3 – Pat will now require signed contracts for all new construction or substantial improvements and this section of the code will be amended to include this new requirement.
 - §61-4A – “his” should be “his/her”
 - §61-4B – raise the amount of construction that building official can approve from \$20,000 to \$30,000.
 - §61-10B(9) – Win suggested the language be more general in order to be flexible for requirements ocean side of Route 1 which would prevent additional future amendments to this section should DNREC expand restricted areas.
 - §61-18B – violations and penalties will be changed to \$100.

Chapter 65-5 (Buildings, Number of) – Recommended changing fine to \$50.00 and have notice of fine change in upcoming newsletter.

Chapter 69 (Buildings, Unsafe) – this section seems to be too vague for strict enforcement – will research other Towns ordinances and discuss at a later date.

Chapter 73 ((Burning, Outdoor) –

- §73-2 – language will be amended to remove fee amount and changed to the fee schedule adopted by Town Council by resolution.
- §73-4 – the fine will be increased to \$100.
- §73-3H – reword section to state “thoroughly clean area and remove any trash or other debris”.

Chapter 77 – (Disorderly Conduct) – Chief Boyden requested the Charter & Ordinance Committee consider recommendations to Town Council to this section that will allow better enforcement that will include juvenile curfews, disorderly conduct, disorderly dwellings, etc. The committee reviewed Bethany Beach’s ordinance and found some sections applicable to Fenwick Island’s needs. The committee will work on a draft and present to the Chief for his review.

Chapter 81 – (Erosion Control) no changes recommended.

Chapter 88 – (Flood Damage Prevention) – change fine in §88-14 to \$100.

Chapter 95 – (Hazardous Materials) - there is no reference in this section that includes properly storing hazardous materials on private property. Further research will be done and discussion will continue at next meeting.

Wind Turbines:

- Bill introduced the proposed 1st Reading for the July Town Council meeting that will add “Small Wind Energy Systems” to the newly enacted “Renewable Energy Systems” to the Zoning ordinance.
- He explained this section would allow for only tower-mounted system and that roof-top systems still require more research.
- The committee reviewed the changes recommended by Tempe.
- The draft ordinance will be edited with the committee’s recommendations and forwarded to Town Council for July’s Town Council meeting.

Comprehensive Plan:

- Winnie Lewis commented that each C&O meeting continues to address the goals of the Planning Commission.

Next Meeting:

- Discussions planned will be:
 - Codebook Updates (Chapter 95 – Chapter 160)
 - Charter – Sections 6 & 7 (Elections) and Code - Chapter 13 (Elections)
 - Wind Turbines (review proposed 1st Reading)

- Chapter 77 (Disorderly Conduct) – i.e., juvenile curfew, disorderly houses, etc.

Old:

- Vicki commented that since the dumpster requirement for commercial properties had been turned down at the last Town Council meeting, she would like to see Charter & Ordinance continue consideration of this matter.
- Possible 1st Reading for August Town Council meetings include modify bonfire fee, wind turbines, Town Council Forfeitures and Vacations and concessions stands on beach.

New:

- Win commented he has had the beach patrol conducting a census of beachgoers on both the incorporated and unincorporated sections of the beach as part of a study on the feasibility of a concession stand on the beach that would offer a variety of goods and services that include beach rentals, food, etc. This is under consideration for next year's beach season.
- Bill informed all that this meeting was the last Charter & Ordinance meeting before the next fiscal year begins. He thanked the committee members for their support and expressed his hope that many would return as part of the newly appointed committee.

Adjourn:

- Vicki Carmean made a motion to adjourn the meeting, seconded by Gene Langan. The meeting was adjourned at 11:15 a.m.